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EXAMINER

RALIS, STEPHEN J

ART UNIT	PAPER NUMBER
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3742

MAIL DATE	DELIVERY MODE
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02/03/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/669,155	Applicant(s) COHEN ET AL.	
	Examiner STEPHEN J. RALIS	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 and 30 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Applicant is respectfully requested to provide a location within the disclosure to support any further amendments to the claims due to when filing an amendment an applicant should show support in the original disclosure for new or amended claims. See MPEP § 714.02 and § 2163.06 ("Applicant should specifically point out the support for any amendments made to the disclosure.").

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02 January 2009 has been entered.

Response to Arguments

4. Applicant's arguments, see pages 7-10, filed 02 January 2009, with respect to the rejection(s) of claim(s) 1 and 15-20 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of

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Kenji et al. (Japanese Publication No. JP 62261400 A) and Daum et al. (U.S. Publication No. 2002/0112488).

Claim Objections

5. Claims 1 and 18-20 are objected to because of the following informalities:
- "wherein the controller has" should read –wherein the controller comprises– or something to that effect. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1 and 15-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claims 1 and 18-20 recite the limitation "the handle" in lines 22, 27, 23 and 14-15 respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 1 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakao et al. (Japanese Publication No. JP 09164300A) in view of Kenji et al. (Japanese Publication No. JP 62261400 A), Daum et al. (U.S. Patent No. 2002/0112488), Har et al. (U.S. Publication No. 2001/0032403) and Hashimoto (U.S. Patent No. JP 08262052 A).

Nakao et al. disclose a fabric grooming device (cordless iron 2) comprising: a housing (body of iron 2) having a steam generator (steam generating room 18, 19), a

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fluid reservoir (tank 32), a heating plate (base 17 with heating element 7), a controller (printed circuit board 28; and Drawing 1) with the controller (printed circuit board 28; and Drawing 1) having an input selectors (setup key 29/ switch 11 combination; English MAT; page 4, lines 6-11), a plurality of output indicators (set temperature; temperature level; buzzer 14), and a digital display panel (liquid crystal display [LCD] 13) for displaying scrolled text and segmented text; wherein the input selector (setup key 29/ switch 11 combination), the plurality of output indicators (set temperature; temperature level; buzzer 14) and the digital display panel (liquid crystal display [LCD] 13) are incorporated on an interactive user interface (see Figures 1, 2), wherein the interactive interface is operatively connected to a microprocessor (10), wherein the interactive interface is integrated onto a handle of the fabric grooming device (see Drawing 2); and the input selector being a temperature setting selector (setup key 29/ switch 11 combination; English MAT; page 4, lines 6-11).

With respect to the limitation of a digital display panel for displaying scrolled text and segmented text, Nakao et al. disclose the liquid crystal display (13) for displaying set temperature and the temperature level which would be inherently segmented text/numbers. In addition, it has been held that the recitation that an element is “for” performing a function is not a positive limitation but only requires the claimed structural limitations and the ability to so perform as such. Nakao et al. clearly disclose a liquid crystal display (13) for displaying set temperature and the temperature level and would have the ability to display both scrolled and segmented text/numbers. Therefore since Nakao et al. disclose the structural limitations of a controller (printed circuit board 28;

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and Drawing 1) and a digital display panel (liquid crystal display [LCD] 13) for displaying segmented text/numbers due to LCD displays are very interactive and programmable, Nakao et al. fully meets “a digital display panel for displaying scrolled text and segmented text” given its broadest reasonable interpretation.

With respect to the limitations of claim 15 and the microprocessor being operatively connected to a sound generator, one or more sensors, and/or a heater, Nakao et al. explicitly disclose a schematic circuit (see Drawing 1) comprising microprocessor (10) operatively connected to a temperature sensor/thermistor (15), buzzer (14) and heater (7).

With respect to the limitations of claims 16 and microprocessor is also operatively connected to a timer, Nakao et al. explicitly disclose the microprocessor (10) comprising detection means (pause detection means 16) that will start an internal timer... (English MAT; page 5, paragraph 17).

With respect to the limitations of claim 17 and the microprocessor being operatively connected to a vibrator, Nakao et al. explicitly disclose an output indicator (buzzer 14) being connected to the microprocessor (10). The buzzer clearly makes an audible indication of an event and the examiner notes that a buzzer would inherently create a vibration sensitive to touch or tactile indication of the buzzer when activated. Therefore, Nakao et al. fully meets “wherein said microprocessor is operatively connected to a vibrator” given its broadest reasonable interpretation.

Nakao et al. disclose all of the limitations of the claimed invention, as previously set forth, except for a plurality of input selectors being a fabric setting selector; one or

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more input selectors have an image or symbol associated therewith for identifying the function and/or operation corresponding thereto; wherein at least one of said plurality of input selectors is a touch-sensitive LED panel, and wherein at least one of said plurality of output selectors is a touch-sensitive LED panel; a steam selector that is operatively connected to a steam generator to provide selective manipulation of steam generation levels; and an impact sensor that automatically deactivates the fabric grooming device in response to sensory input ascertained as a consequence of the fabric grooming device being dropped.

However, a controller having a temperature/fabric setting selector image or symbol for identifying the function and/or operation of a pressing iron is known in the art. Kenji et al., for example, teach an LED input/display panel having a single input button (switch15) that cycles through either a fabric/temperature selection by displaying via LEDS (11-14). Kenji et al. further teaches the advantage of associating the LED display with a well known fiber display symbol indicating handling provides a means to readily set a temperature according to the fiber material using well known clothing temperature display symbols, thereby increasing the operational efficiency of the ironing device.

Similarly, a plurality of input selectors with at least one of the plurality of input selectors being a touch-sensitive LED panel, and the at least one of the plurality of output selectors is a touch-sensitive LED panel is known in the art. Daum et al., for example, teach a human machine interface (HMI) comprising a plurality of input/output selectors (keys or buttons 322) including LEDS incorporated thereon (page 3, paragraph 34; see Figure 6) that provide operational input/output to the user. Therefore,

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Daum et al. fully meets “wherein at least one of said plurality of input selectors is a touch-sensitive LED panel, and wherein at least one of said plurality of output selectors is a touch-sensitive LED panel”. Daum et al. further teach the advantage of such a configuration provides a means to indicate activation of a selected control feature via direct contact with the input selector (key or button 322). It is further known in the art that such an input selector removes the necessity of cyclical selection, thereby simplifying and increasing the operational user interface of the device.

In addition, a steam selector that is operatively connected to a steam generator to provide selective manipulation of steam generation levels is known in the art. Har et al., for example, teach a stream iron (Title) comprising a steam selector (selector switch 26) being operatively connected to a steam generator (6) via a control means (16) to provide selective manipulation of steam generation levels (page 2, paragraph 17 – page 3, paragraph 44; see Figures 1-3). Har et al. further teach the advantage of such a configuration provides the ability for the iron to function as a dry iron or steam iron as well as when the iron is selected to function as a steam iron to perform a suitable steam pattern per fabric type (LUT), thereby providing the proper conditioning, relaxation and fixation of the fibers during ironing.

Furthermore, an impact sensor that automatically deactivates a radiant heating device in response to sensory input ascertained as a consequence of the radiant heating device being dropped is known in the art. Hashimoto, for example, teaches an electric radiant heating device comprising an impact detector (shock sensing device 20) that automatically deactivates the electric radiant heating device in response to sensory

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input ascertained as a consequence of the electric radiant heating device being dropped (Title; English Translation; Abstract). Hashimoto further teaches the advantage of such a configuration provides a means to prevent an accident beforehand, thereby increasing the operational safety of the device (paragraphs 13-18; MAT).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Nakao et al. with the temperature/fabric setting selector image or symbol for identifying the function and/or operation of a pressing iron of Kenji et al. in order to provide a means to readily set a temperature according to the fiber material using well known clothing temperature displays, thereby increasing the operational efficiency of the ironing device. Similarly, in view of Daum et al., it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the input/output selectors of Nakao et al. in view of Kenji et al. with the plurality of input/output selectors being on an touch-sensitive LED panel in order to provide a means to indicate activation of a selected control feature via direct contact with the input selector, since as known in the art, utilizing such a input/output selector removes the necessity of cyclical selection, thereby simplifying and increasing the operational user interface of the device. In addition, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify steam generator and control thereof of Nakao et al. with the steam selector, steam generator and control thereof of Har et al. in order to provide the means for the iron to function as a dry iron or steam iron as well as when the iron is selected to function as a steam iron to perform a suitable steam pattern per fabric type (LUT), thereby providing the proper

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conditioning, relaxation and fixation of the fibers during ironing. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Nakao et al. with the impact sensor of Hashimoto in order to provide a means to prevent an accident beforehand, thereby increasing the operational safety of the device.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEPHEN J. RALIS whose telephone number is (571)272-6227. The examiner can normally be reached on Monday - Friday, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen J Ralis/
Primary Examiner, Art Unit 3742

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Primary Examiner
Art Unit 3742

SJR
January 23, 2009